

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 16 defines a computer-readable program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory. See MPEP 2106.01

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-9, 11, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Civanlar (EP 1154433).
3. Consider claim 1. Civanlar teaches a reproduction apparatus for performing a digest reproduction of a recorded program by referring to digest information, the recorded program being a recording of some or all segments of an original program, comprising: a program recording information processing section operable to generate program recording information with respect to the recorded program, the program recording information containing information of recorded segments relative to the

original program; a communication section operable to communicate via a network with a server which stores digest information with respect to the original program, the digest information containing information of a digest segment to be used for the digest reproduction; a server digest information processing section operable to compare the program recording information concerning the recorded program and the digest information corresponding to the recorded program, and acquire, from the server, digest information containing information of digest segments at least some of which coincide with the recorded segments; and a reproduction processing section operable to reproduce the recorded program based on the digest information acquired by the server digest information processing section (paras. 0011-0012; fig. 1).

4. Consider claim 2. Civanlar teaches the reproduction apparatus according to claim 1, further comprising a user digest information processing section operable to generate new digest information based on the digest information acquired by the server digest information processing section, the new digest information containing information of a digest segment which is reproducible from the recorded program, wherein the reproduction processing section is operable to reproduce the recorded program further based on the new digest information generated by the user digest information processing section (paras. 0011-0012; fig. 1).

5. Consider claim 4. Civanlar teaches the reproduction apparatus according to claim 2, wherein the user digest information processing section is operable to, with respect to a plurality of pieces of digest information stored in the server concerning a given recorded program, subject the digest segments contained in the plurality of pieces

of digest information to a logical operation, and further generate new digest information containing information of a digest segment obtained as a result of the logical operation (paras. 0011-0012).

6. Consider claim 5. Civanlar teaches the reproduction apparatus according to claim 2, wherein the information of the recorded segments and the information of the digest segment are time information described in terms of relative time from the beginning of the program (para. 0016).

7. Consider claim 6. Civanlar teaches the reproduction apparatus according to claim 3, wherein the information of the recorded segments, the information of the digest segment, and the information of the unreproduced segment are time information described in terms of relative time from the beginning of the program (para. 0016).

8. Consider claim 7. Civanlar teaches the reproduction apparatus according to claim 1, wherein, the digest information includes a broadcast type concerning image quality of the program, and the server digest information processing section is operable to determine which digest information to acquire by referring to the broadcast type (para. 0015; fig. 2).

9. Consider claim 8. Civanlar teaches the reproduction apparatus according to claim 1, wherein, the digest information includes a codec type concerning encoding/decoding processes used for the program, and the server digest information processing section is operable to determine which digest information to acquire by referring to the codec type (para. 0015; fig. 2).

10. Consider claim 9. Civanlar teaches the reproduction apparatus according to claim 1, wherein, the digest information includes information identifying an individual or group that has created the digest information, and the server digest information processing section is operable to determine which digest information to acquire by referring to the identifying information (para. 0015; fig. 2).

11. Consider claim 11. Civanlar teaches the reproduction apparatus according to claim 1, wherein, the digest information includes a bit rate concerning motions within an image pertaining to the digest segment, and the server digest information processing section is operable to determine which digest information to acquire by referring to the bit rate (para. 0015; fig. 2).

12. Claims 15-17 are rejected using similar reasoning as the corresponding claim above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar (EP 1154433) in view of Okayama et al. (US Pub. No. 2002/0053090).

15. Consider claim 3. Civanlar teaches all claimed limitations as stated above, except a program reproduction history information processing section operable to generate, with respect to the recorded program, program reproduction history information containing information of an unreproduced segment.

However, Okayama et al. teaches a program reproduction history information processing section operable to generate, with respect to the recorded program, program reproduction history information containing information of an unreproduced segment (para. 0098).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to generate a program reproduction history, in order to allow the user to determine which programs have been previously reproduced.

16. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar (EP 1154433) in view of Official Notice.

17. Consider claim 10. Civanlar teaches all claimed limitations as stated above, except a presence/absence of authentication concerning whether an authentication has been made by the individual or group that has created the digest information.

The examiner takes official notice that it is well known in the art to have an individual or group provide authentication in order to access to a server.

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to check for a presence/absence of authentication, in order to allow the user to access their recorded programs on the server.

Allowable Subject Matter

18. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
June 4, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621